CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

Strategies for Naturalizing the Most Vulnerable Applicants

A Guide to Helping Refugees and Immigrants Who Are Elderly, Disabled, Low-Income, Low-Literate, and Limited English Proficient

A GUIDE BY **CATHOLIC LEGAL IMMIGRATION NETWORK, INC.**

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This document is intended to provide accurate information on the subject matter covered, as of the date of publication. It is not a substitute for legal advice. If legal or other expert assistance is needed, the reader should consult with a competent professional. Naturalization is a legal process with serious and far-reaching consequences. Any individual providing legal assistance to an applicant in the naturalization process should be either an attorney or a Board of Immigration Appeals (BIA) accredited representative

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INTRODUCTION

Refugees and immigrants strongly desire U.S. citizenship. Yet, many of them, especially those who are elderly, disabled, low-income, low-literate, and limited English proficient, face serious challenges in the naturalization process. These challenges can impede their integration and their civic participation in U.S. society.

The English requirement is probably the single, biggest barrier to naturalization. A study by the Pew Hispanic Center found that a majority, or 55%, of immigrants currently eligible to naturalize are limited English proficient.[1] Immigration law requires citizenship applicants to demonstrate an ability to read, write, and speak "simple words and phrases" in English and to demonstrate a knowledge of U.S. history and civics. All applicants are given two opportunities to pass the citizenship test. For applicants who came to the U.S. at an advanced age, the prospect of learning a new language is daunting. Those who are illiterate in their native language or have low levels of formal education in their native country, as well as those who use a non-Roman alphabet in their native language, may also find it extremely difficult to meet the English test requirement.

People with disabilities face even greater challenges. Disability-based waivers of the citizenship testing requirements are difficult to obtain from the U.S. Citizenship and Immigration Services (USCIS), requiring agencies to work very closely with doctors, disabled applicants, and their families. USCIS released a new and improved Form N-648 (Medical Certification for Disability Exceptions) in 2002, yet doctors continue to make mistakes or fail to provide the right kind of information. This requires the disabled applicant to visit the doctor two or three times, sometimes at great cost. In addition, local USCIS adjudication of waivers is sometimes inconsistent with policy guidance issued by USCIS headquarters.

In recent years, USCIS has been scrutinizing waiver applications more, especially those based on mental impairments such as Post-Traumatic Stress Disorder, depression, or dementia – conditions that are common in some refugee communities and that often stem from refugees' experience of persecution. In May 2006, USCIS released new policy guidance to the field on how to handle disability waiver cases. The guidance, which sought to address USCIS' concerns about fraud, placed burdensome new requirements on applicants, many of whom are refugees who will lose their Supplemental Security Income (SSI) unless they naturalize. Advocates saw an increase in denials following the new guidance. In September 2007, USCIS issued another policy guidance memorandum on disability waivers to further explain and clarify the review standards for adjudicators. The latest policy guidance attempts to address a number of concerns that advocates raised in meetings with USCIS, but still leaves several major problems in N-648 policy unchanged.

In addition to the English requirement, another major barrier to naturalization is the fee for the citizenship application, raised to $675 in July 2007. Many refugees and immigrants, primarily those who are elderly, disabled, or limited English-speaking, are low-income. The Pew Hispanic Center study cited earlier found that 52% of immigrants currently eligible to naturalize are low-income.[2] The high citizenship application fee may prevent or delay many refugees and immigrants from applying for naturalization. Although fee waivers are available, they are discretionary and are applied unevenly among different USCIS offices. Also, working poor applicants – those whose income is too high to meet the general criteria for a fee waiver yet too low to afford the fee – may find it difficult to qualify for a fee waiver. USCIS policy guidance on fee waiver applications requires very detailed documentation of household income and expenses. Professional assistance is needed to ensure that low-income refugees and immigrants apply for citizenship without delay and submit all the required documentation to qualify for a fee waiver.

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1 Passel, J.S. *Growing Share of Immigrants Choosing Naturalization* (Washington, DC: Pew Hispanic Center, March 28, 2007).

2 Ibid.

Despite the challenges of the English language requirement and the high application fee, refugees and immigrants still want to become U.S. citizens. Citizenship gives people a stronger voice and facilitates their integration and empowerment. For vulnerable elderly and disabled refugees who must naturalize in order to retain their SSI benefits (and in some states, their Medicaid benefits as well), citizenship can sometimes be a matter of life and death. This guide will outline strategies and provide resources for naturalizing the most vulnerable applicants, focusing on those who are elderly, disabled, low-income, low-literate, and limited English proficient. It is aimed at readers who already have a basic, working knowledge of immigration law.

How is the New Citizenship Test Different from the Current Test?

	Current Test	**New Test**
English reading	The applicant is given up to three sentences and must be able to read at least one sentence. The English reading sentences are usually drawn from a list of sample sentences available on the USCIS website at **http://www.uscis.gov**. Click on "Services and Benefits" then "Citizenship" then "Naturalization Information" then "Sample Sentences for Written English Testing."	The applicant will be given up to three sentences and must be able to read at least one sentence. The English reading sentences will be all be *history/civics related sentences* based on a new *vocabulary list* available at **http://www.uscis.gov/files/nativedocuments/reading_vocab.pdf**.
English writing	The applicant is given up to three sentences and must be able to write at least one sentence. The English writing sentences are usually drawn from a *list of sample sentences* available on the USCIS website at **http://www.uscis.gov**. Click on "Services and Benefits" then "Citizenship" then "Naturalization Information" then "Sample Sentences for Written English Testing."	The applicant will be given up to three sentences and must be able to write at least one sentence. The English writing sentences will be all be *history/civics related sentences* based on a new *vocabulary list* available at **http://www.uscis.gov/files/nativedocuments/writing_vocab.pdf**.
English speaking	The applicant must be able to answer questions about the citizenship application and follow directions during the interview.	The applicant must be able to answer questions about the citizenship application (N-400) and follow directions during the interview. USCIS officers will receive training with suggestions for re-wording difficult questions on the N-400.
U.S. history & civics	The applicant is given 10 questions from a list of 96 and must answer at least 6 questions correctly. An oral test. The history/civics questions are drawn from a list of 96 study questions available at **http://www.uscis.gov/files/article/Flashcard_questions.pdf**.	The applicant will be given 10 questions from a list of 100 and must answer at least 6 questions correctly. An oral test. The history/civics questions will be drawn from a new list of 100 study questions available at **http://www.uscis.gov/files/nativedocuments/100q.pdf**.

I. Automatic English Exemptions for Older Applicants

Nga, age 75, came to the U.S. in 1992. She has been attending citizenship classes for the last year at a Vietnamese community center, to prepare for the test. She has learned to speak a few English words and phrases, but is unable to read or write anything in English. She is also illiterate in Vietnamese.

Applicants who are age 50 or older and have had lawful permanent resident (LPR) status for many years may qualify for an automatic exemption from the English reading, writing, and speaking requirement. They may instead take the history and civics test in their native language, using an interpreter. These provisions are found in INA § 312 (b).

Eligibility Requirements

50/20: If the applicant is age 50 or older and has been an LPR for 20 years or more, he/she qualifies for an automatic exemption from the English requirement.

55/15: If the applicant is age 55 or older and has been an LPR for 15 years or more, he/she qualifies for an automatic exemption from the English requirement.

Special Consideration (65/20): If the applicant is age 65 or older and has been an LPR for 20 years or more, he/she qualifies for an automatic exemption from the English requirement AND qualifies to take an *easier* history/civics test that is based on a shorter list of 25 study questions. This list is available at **http://www.uscis.gov/files/article/6520q.pdf.**

Note: In order to receive the exemption, the applicant must meet the age and residency requirements *on the day he/she files* the N-400 application.

Q. ***Where on the N-400 do I note that my client has an English exemption?***

A. Write it in large, red letters at the top of the N-400, for example, "55/15 ENGLISH EXEMPTION." You may also write this on the blank lines provided in Part 3(I).

Q. ***My client qualifies for the automatic English exemption, but she is illiterate in her native language. Does she need to be able to read and write for the history/civics test in her native language?***

A. No. The literacy requirement is part of the English requirement, so the applicant is *not* required to be literate in her native language. The history/civics test is given orally with an interpreter.

Q. ***If my client has an English exemption, does she need to bring her own interpreter to the interview?***

A. USCIS regulations state that an interpreter may be selected by the applicant or by USCIS, but that USCIS can disqualify an interpreter who behaves inappropriately (8 C.F.R. § 312.4). Local practices vary. You should find out if your local USCIS office allows applicants to bring their own interpreters, or provides interpreters for them.

Tips for Interpreters

- Translate exactly what the USCIS officer or applicant says. Do not coach the applicant, add anything, or explain. Do not give helpful hints to the applicant during the interview.
- Speak only when interpreting. When not interpreting, sit quietly. Do not ask questions or interfere with the interview in any way.

II. Due Consideration for Applicants with Limited English, Lack of Formal Education, Advanced Age, or Other Factors

Mohamed, age 40, works long hours in the kitchen of a restaurant. He is not exposed to English on the job, where most of his co-workers speak Spanish. He has only a third grade education in his native country. He has been living in the U.S. for 10 years and has been diligently studying for the citizenship test for the last two years with a tutor who comes to his home on weekends. There are very few citizenship classes available in his community, and due to his work schedule, he is not able to attend any of the classes.

Applicants with certain backgrounds and circumstances that make it difficult for them to learn the material for the citizenship test may receive due consideration on the test. Due consideration is a provision in the immigration regulations that allows USCIS officers to use their discretion to give an easier history/civics test to certain applicants. The regulations state:

"In choosing the subject matters, in phrasing questions and in evaluating responses, due consideration shall be given to the applicant's education, background, age, length of residence in the U.S., opportunities available and efforts made to acquire the requisite knowledge, and any other elements or factors relevant to an appraisal of the applicant's knowledge and understanding" (8 CFR § 312.2 (c) (2)).

Due Consideration Factors

Some examples of circumstances that may warrant due consideration are: lack of formal education, advanced age, long residence in the U.S., long-term and consistent attendance in citizenship or English classes, lack of access to classes, inability to attend classes due to work or family obligations, and limited opportunities to speak English in the workplace.

Q. ***How can I apply for due consideration?***

A. Due consideration is discretionary, and requires the USCIS officer to make a judgment call. There is no formal process to apply for due consideration, or to appeal its denial. However, you can request that USCIS provide due consideration in a letter. The letter provides information about the applicant's background and circumstances that may not be available in the citizenship application, allowing the USCIS officer to make a more informed decision on whether to use due consideration. A sample letter is available at **http://www.cliniclegal.org/Refugee/Docs/due_consideration_request.doc**.

Q. ***When do I submit the due consideration request?***

A. You can include the request as an attachment to the N-400, or simply bring it to the citizenship interview. If the request is included with the N-400, it is a good idea to bring a copy to the interview as well.

Q. ***What if the USCIS officer is overly demanding of my client, or fails him for a simple mistake? What can I do?***

A. Immigration law requires applicants to be able to read, write, and speak words "in ordinary usage in the English language" and to read and write "simple words and phrases" (INA § 312 (a) (1)). In addition, policy guidance on testing states that applicants should not be failed for spelling, capitalization, or punctuation errors on the writing test unless they "would prevent a reasonable person from understanding what the sentence means" (see reference below, page 3). If you think the USCIS officer is going beyond the law or policy on the test, tell him/her so. If the officer is not responsive to your concerns, ask to speak to a supervisor before the interview is over. Also, be sure to get the officer's name. If the supervisor is not available or responsive to your concerns, write down exactly what happened in detail and bring the case to the attention of your local USCIS office through a meeting or a letter to the field office director or adjudications supervisor. If the case is part of a pattern, you should document other, similar cases and present all the cases together to the local office. Your letter should conclude with a specific request for how you want USCIS to fix the problem, your contact information, and a time frame for USCIS to follow up. In addition, you should send a copy of the letter to your USCIS district manager.

Reference

USCIS policy guidance on testing, 12/26/00
http://www.cliniclegal.org/Refugee/Docs/USCISpolicyguidanceontesting.pdf

Highlights of the Policy Guidance on Testing

- The applicant does not need to understand every term, word, or phrase on the N-400 application in order to demonstrate an ability to speak English.
- Applicants shall not be failed because of their accent when speaking English.
- The officer shall repeat each English dictation sentence clearly if asked or if necessary to ensure that the applicant understands the sentence.
- An applicant shall not be failed on the writing test because of spelling, capitalization, or punctuation errors unless the errors would prevent a reasonable person from understanding what the sentence means.

III. Reasonable Accommodations for All Disabled Applicants

Abebe, age 52, is legally blind due to advanced glaucoma. As a result, he is unable to read or write. However, he is able to speak English fairly well, and has been studying the U.S. history/civics test questions with the help of a friend.

All applicants with disabilities have the right to receive reasonable accommodations in the naturalization process and the citizenship test. Reasonable accommodations are modifications of USCIS policies and procedures that enable people with disabilities to participate in the naturalization process, and reduce any disadvantages they face as a result of their disability.

Legal Basis for Reasonable Accommodations

Reasonable accommodations are mandated by § 504 of the Rehabilitation Act of 1973, which protects people with disabilities from discrimination. Section 504 states:

"No otherwise qualified individual with a disability in the United States … shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance … or conducted by any Executive agency."

Q. ***How does the law define disability?***

A. According to the Americans with Disabilities Act (ADA), an individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

The ADA regulations state that major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Note: Many elderly applicants are disabled by chronic health problems, and therefore can request accommodations in the citizenship test and interview. For example, an applicant with severe arthritis in his/her hands may request additional time to write the English dictation sentences.

Q. ***What's the difference between reasonable accommodations and waivers?***

A. Reasonable accommodations do not waive the naturalization requirements. Applicants still have to meet the requirements, but the manner in which they meet them is modified to accommodate their disability. For example, a person who is bedridden in a nursing home is still required to have a citizenship interview, but the interview may be conducted at his/her residence as a reasonable accommodation.

Q. ***Do blind and deaf applicants need a waiver of the English reading, writing, or speaking requirements?***

A. Not necessarily. Many blind and deaf applicants will be able to complete the citizenship test with reasonable accommodations, and will not need a disability waiver. For example, a blind applicant can take an oral test (in English) as an accommodation, and is not required to read and write, so a disability waiver is not always

needed. Similarly, a deaf applicant may be able to complete the citizenship test using a sign language interpreter or a written (English) format, and is not required to speak. If accommodations are not sufficient to allow a blind or deaf applicant to complete the citizenship test, then a disability waiver should be considered.

Examples of Reasonable Accommodations

- Having a sign language interpreter to help a deaf applicant communicate during the citizenship test.
- Providing a written citizenship test for a deaf or hearing-impaired applicant who is unable to hear and respond to oral questions.
- Providing an oral citizenship test for a blind or sight-impaired applicant who is unable to read and write.
- Ensuring that the office where USCIS takes fingerprints and interviews applicants is wheelchair accessible.
- Asking the USCIS officer to speak loudly or slowly or repeat the questions for an applicant who is hearing-impaired or has a developmental disability.
- Providing additional time for an applicant with a mental impairment to complete the citizenship test.
- Allowing an applicant with a mental impairment to bring a family member or friend to the citizenship interview to help him/her remain calm and responsive.
- Allowing a person who is paralyzed to signal his/her responses to questions using non-verbal communication, such as blinking or tapping.
- Allowing a legal guardian to testify on behalf of a mentally disabled applicant at the citizenship interview.
- Providing an alternative criminal background check process for an applicant who is unable to provide fingerprints because he/she has no hands.

Procedures for Requesting Reasonable Accommodations

- At the time of filing the N-400, complete Section I in Part 3 of the application. Also write in large letters across the top of the N-400, "ACCOMMODATIONS NEEDED."
- If requested *after* filing the N-400, submit a letter to your local USCIS explaining what disability the applicant has, how it affects the applicant, and what accommodations are needed. For a sample letter, refer to **http://www.cliniclegal.org/Refugee/Docs/accommodations_request.doc**. Bring the letter to the interview or, if the accommodation requires advance planning by USCIS, notify the local USCIS office before the interview. According to the USCIS website, you should schedule an INFOPASS appointment well in advance of the interview date in order to make the accommodations request verbally and submit it in writing.
- For further information, refer to the USCIS website at **https://egov.uscis.gov/crisgwi/go?action=offices.accommodations**.

Q. ***How can I notify my local USCIS office of a reasonable accommodations request before the interview?***

A. USCIS policy guidance requires each local office to provide the public with clear information on the procedures for handling reasonable accommodations requests, and to designate staff to handle them. Check the website of your local USCIS office for a point of contact, and try calling the local office to see if automated instructions are given by phone. You can find the website of your local USCIS office by going to the USCIS website at **http://www.uscis.gov** and then clicking on "Services and Benefits" and then "Field Offices." If there is no clear information or procedures for reasonable accommodations requests, advocacy with your local USCIS may be needed to ensure the office comes into compliance with the policy guidelines.

Q. ***Is a doctor's certification needed?***

A. A doctor's certification of the disability is not required for a reasonable accommodations request. However, in rare cases, USCIS may request a letter from the doctor certifying the disability when it is not apparent and there is some question about the applicant's eligibility for accommodations. If the applicant's disability is not apparent, then it is advisable to bring a doctor's letter just in case it is requested.

Q. ***Can USCIS deny an accommodations request?***

A. According to USCIS policy guidance on accommodations, the agency can deny a request if it would result in a "fundamental alteration in the nature of the naturalization program" for the individual applicant or it would create "undue financial and administrative burdens" for USCIS (p. 3). This situation would be extremely rare. If a request is denied, USCIS is required to provide the applicant with an alternative accommodation.

Q. ***What can I do if an accommodations request is denied?***

A. Ask to speak to a supervisor before the interview is over. If the supervisor also denies the request and the applicant is denied naturalization as a result, he/she may file a § 504 civil rights complaint for discrimination based on a disability, while also appealing the denial with a Form N-336. The § 504 complaint is *in addition* to the regular appeals process for a denied N-400.

How to Prepare a § 504 Complaint

The complaint describes the applicant's disability and describes in detail what happened at the USCIS office and when. The name of the USCIS officer who handled the case should be included, if known. Also include the name of the applicant, his/her A-number, and his/her contact information as well as the name and contact information for any person assisting the applicant with the complaint. A sample § 504 complaint form is available at **http://www.cliniclegal.org/Refugee/Docs/SECTION504COMPLAINT.doc**. Additional information is available on the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties website at **http://www.dhs.gov/xabout/structure/editorial_0373.shtm**.

Q. ***Where do I send the complaint?***

A. Mail your original complaint to the DHS Office for Civil Rights and Civil Liberties (OCRCL). Send a copy to the director of the local USCIS office where the incident happened, and the director of USCIS headquarters. The addresses for the OCRCL and USCIS headquarters are listed below. Send the complaint by certified mail with a return receipt. Be sure to keep a copy for your records.

Department of Homeland Security
245 Murray Lane, SW
Building 410
Mail Stop #0800
Office for Civil Rights and Civil Liberties
Review and Compliance Unit
Washington, DC 20528

Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

References

It is important to read and become familiar with USCIS' policy guidance on reasonable accommodations so you can be a good advocate for your client. Your client could be assigned a USCIS officer who is not very familiar with the guidance.

USCIS policy guidance on reasonable accommodations, 1/21/03
http://www.uscis.gov/files/pressrelease/NatzAccess.pdf

USCIS policy guidance on fingerprint waivers, 11/15/99
http://www.cliniclegal.org/Refugee/Docs/USCISpolicyguidanceonfingerprintwaivers.pdf

Highlights of the Reasonable Accommodations Policy Guidance

Each field office must:

- Have procedures for handling all requests, regardless of when they are made.
- Designate staff to handle requests.
- Provide information to applicants on how to request reasonable accommodations from the field office.
- Review requests in a timely fashion.
- Strive to provide all requests without delay.
- Inform applicants in the rare case a request is rejected, and provide an alternative.

IV. Disability Waivers for Applicants with Certain Serious Disabilities

Khadija, age 69, has been diagnosed with vascular dementia due to a series of strokes she suffered about 10 years ago, before she came to the U.S. A CT scan shows brain damage. Her symptoms include memory impairment, confusion, short attention span, weakness on one side of her body, and difficulties with activities of daily living such as cooking and caring for her herself. She lives with her daughter, who takes care of her.

Applicants with certain kinds of disabilities may qualify for a disability waiver of the citizenship testing requirements. A disability waiver is an exemption from the English and/or history and civics testing requirements based on a disability that prevents the applicant from learning or demonstrating the knowledge required for the citizenship test. Disability waivers are authorized in INA § 312 (b) (1). A disability may be physical, mental, or developmental. It may be a single, severe disability or a combination of disabilities that, when experienced together, result in a severe level of impairment.

Eligibility Criteria

- The applicant must have a medically determinable physical or developmental disability or mental impairment.
- The disability (or disabilities) must be so severe that the applicant is *unable* to learn English, history, or civics. **Note:** A disability that merely makes it *difficult* for the applicant to learn is not sufficient.
- The disability must be permanent (lasting or expected to last at least 12 months).
- The disability cannot be the result of illegal drug use.
- The applicant must be unable to pass the citizenship test with reasonable accommodations.
- The disability must be certified by a licensed medical doctor, clinical psychologist, or doctor of osteopathy.

Ineligible Conditions

Old age, by itself, is not a disability and does not qualify an applicant for a disability waiver. However, USCIS has noted that there are many conditions *associated* with old age, such as senile dementia, that may qualify for a waiver.

Illiteracy or lack of a formal education in one's native country is not a disability and does not qualify an applicant for a disability waiver. However, some people are illiterate due to learning disabilities, which are a type of mental impairment that may qualify for a disability waiver.

Q. ***What does "medically determinable" mean?***

A. Medically determinable means:

- Having an impairment that results from anatomical, physiological, or psychological abnormalities.
- The impairment can be shown by medically acceptable clinical or laboratory diagnostic techniques.
- The impairment has resulted in functioning so impaired that is renders an applicant unable to demonstrate the required knowledge or unable to participate in the testing procedures.

Examples of Different Types of Disabilities

Physical disabilities are general medical conditions: diabetes, cancer, stroke, high blood pressure, heart disease, heart attack, hyperlipidemia (high cholesterol), cerebral arteriosclerosis (hardening of the arteries in the brain), chronic pain, blindness, deafness.

Mental impairments affect a person's ability to reason or think clearly: Alzheimer's disease, dementia, post-traumatic stress disorder (PTSD), depression, schizophrenia, bipolar disorder, panic disorder.

Developmental disabilities are present before adulthood: Down's Syndrome, mental retardation, autism, learning disorder, communication disorder.

Note: These disabilities may or may not qualify for a disability waiver, depending on their severity and the level of impairment they create. Sometimes people have multiple disabilities that, in combination, create a severe level of impairment. There is no list of disabilities that automatically qualify for a waiver. Applicants are evaluated for eligibility on a case-by-case basis.

Types of Medical Professionals

Medical doctors (M.D.s)

Medical doctors have a degree in medicine (M.D.) from a board-certified medical school. They are usually internists (focusing on internal medicine) or family practice doctors. Some medical doctors are specialists who focus on diagnosis and treatment of certain kinds of diseases:

- Ophthalmologists specialize in eye diseases.
- Audiologists specialize in hearing loss problems.
- Cardiologists specialize in heart diseases.
- Neurologists specialize in diseases of the nervous system, including the brain and spinal cord.

Psychiatrists (M.D.s)

Psychiatrists are medical doctors (M.D.s) who specialize in the diagnosis and treatment of mental illnesses.

Clinical Psychologists (Ph.D.s)

Clinical psychologists usually have a Ph.D. in psychology or counseling. They can diagnose and counsel for mental illnesses.

Doctors of Osteopathy (D.O.s)

Osteopaths have a medical degree (D.O.) that combines traditional and chiropractic medicine. They can be generalists or specialists in a particular area of medicine. In the U.S., osteopaths are doctors who can practice the same as M.D.s.

Q. ***Where can I get the Form N-648?***

A. Form N-648 is available on the USCIS website at **http://www.uscis.gov**. From the home page, select "Immigration Forms" from the banner at the top of the page. The N-648 is the last form on the list. The N-648 is available as a "fillable" form that can be filled out and printed from the USCIS website.

Tips for Completing the Form N-648

- It is important for the legal representative to carefully review the completed N-648 and ensure it is complete *before* submitting it to USCIS. This may mean going back to the medical professional several times for additional information. Remember: The applicant has only two opportunities to submit a complete N-648.
- The N-648 *must* be legible. It is best to have the medical professional type it, using the fillable version on the USCIS website.
- The medical professional must avoid using medical jargon. The disability must be explained in lay terms that a person without medical training can understand.
- It is not advisable for the medical professional to mention an applicant's illiteracy or lack of formal education, as this information is usually irrelevant and may trigger a denial.
- The medical professional must answer question number three sufficiently. This question is the key to the N-648 and is the area that causes the most problems.
- In describing the diagnosis, *the medical professional must include a list of the medically acceptable clinical or laboratory diagnostic tests used in diagnosing the condition*.
- The legal representative is *not* allowed to complete the N-648 for the medical professional's signature. The N-648 must be completed by the medical professional or a medical staff person under his/her direct supervision.
- The medical professional must provide the DSM-IV code for any mental impairments (question 2(b)).
- It is important that the N-648 is consistent with any previous N-648s submitted, and does not include any conflicting information. USCIS will look at all N-648s, not just the most recent one, in determining the applicant's eligibility for a waiver.
- Always keep a copy of the N-648 for your records.

Q. ***What is the DSM-IV?***

A. The DSM-IV is the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition. This is a catalog of mental disorders that is used by mental health professionals in diagnosing patients. It contains a detailed description of the symptoms of each disorder.

Question #3: The Connection

Question number three is the key to the entire application, and the most difficult question for medical professionals to explain and articulate. This question states:

> Based on your examination of the applicant, provide ***detailed*** information on the connection between the disability and/or impairment(s) and the applicant's inability to learn and/or demonstrate knowledge of English and/or U.S. history and civics.
>
> **NOTE:** *This description should address the severity of the effects of the impairment(s) including the specific limitations that affect the applicant's ability to learn and/or demonstrate knowledge.*

Key Points:

- Here, the medical professional needs to describe the specific symptoms associated with the disability that make the applicant unable to learn the test information.
- It is also helpful to describe how the impairment affects the applicant's daily living activities. For example, is the applicant able to take care of herself, or does she need help with cooking, cleaning, grocery shopping, bathing, paying bills, transportation, etc.?
- Some background information about the applicant should be included, especially when it is relevant to the diagnosis. For example, "The patient is a 65-year old male who came to the U.S. from Cuba in 1998. While in Cuba, the patient experienced… which led to PTSD."

Q. ***What information should I give to the medical professional completing the N-648?***

A. Often, medical professionals do not take the time to read the N-648 instruction page. Therefore, it is advisable for the legal representative to include a letter on agency letterhead with key information about disability waivers, along with the contact information for the applicant's legal representative. *Since the N-648 does not request information about the tests used to diagnose the disability, it is important to mention this in the letter with suggestions on where to include this information.* Sample letters are available at **http://www.cliniclegal.org/Refugee/Docs/N648HelpfulHints.pdf** and **http://www.cliniclegal.org/Refugee/Docs/IRC_Sample_N648_letter.doc**. In addition, sample responses to question three may be helpful in illustrating what the USCIS is looking for in the N-648. Sample responses are available at **http://www.cliniclegal.org/Refugee/Docs/AsianLawCaucusGuidelinesforN-648s.pdf**.

Q. ***Where should the information about the diagnostic tests be included, since it is not requested on the N-648?***

A. This information can be included in the response to questions 2(a) or 3.

Q. ***What if the medical professional can not fit his/her response in the space given? Can he/she put the response in a letter instead?***

A. According to USCIS instructions, the medical professional *must* use the space provided on the N-648. If he/she runs out of space, an additional sheet of paper can be used to complete the answer to the question. However, the medical professional cannot use a letter in lieu of the N-648 form.

Q. ***Should the medical professional submit medical records or other supporting documentation with the N-648?***

A. This is generally not necessary unless the first N-648 is found to be insufficient, or you are appealing a denial. The key document that USCIS will use to evaluate the applicant's eligibility is the Form N-648 itself.

Q. ***What if the applicant has only seen the medical professional once, to complete the N-648? Will this negatively affect the application?***

A. The USCIS policy guidance does not specifically bar waivers from medical professionals who have only seen the applicant one time. This situation typically occurs when the professional is a specialist in diagnosing a particular condition. In our experience the N-648 application will be stronger if the applicant can show that he/she has been seeing the medical professional on a regular basis.

Q. ***Does the N-648 expire?***

A. The N-648 must be submitted within six months after the medical professional completes and signs it. Once it is timely submitted, the N-648 does not expire.

Q. ***Can a learning disability qualify the applicant for a disability waiver or reasonable accommodations?***

A. A learning disability must be diagnosed and documented by a qualified professional, such as a psychologist or psychiatrist. The professional conducts a formal, comprehensive assessment by administering different kinds of tests. (This is a separate process from the N-648 application.) As part of the assessment, the professional also makes recommendations for meeting the individual's learning needs. A learning disability may qualify an applicant for reasonable accommodations if it entails a high degree of limitation. In order to qualify for a disability waiver, the learning disability would have to be so severe that it makes the applicant *unable* to learn or demonstrate knowledge of English, history, or civics. The USCIS policy guidance does not address learning disabilities specifically. For more information about learning disabilities, visit the website of the Learning Disabilities Association of America at **http://www.ldaamerica.org/**.

The Disability Waiver Process

- Form N-648 is filed as an attachment to the N-400 (Application for Naturalization). **Note:** The N-648 may be filed at the citizenship interview if necessary, but USCIS prefers that it be filed with the N-400 and may subject the N-648 to increased scrutiny if filed at the interview.
- The N-648 is evaluated during the citizenship interview.
- Applicants have two chances to submit a complete N-648.
- If, during the first interview, the first N-648 is found to be insufficient, the applicant receives Form N-14 with feedback on how the N-648 is insufficient and what additional information is needed. The applicant may then choose to either take the citizenship test or decline the test. If the applicant fails the test or declines to take it, he/she is scheduled for a second interview within 45 days after submitting a response to the N-14.
- At the second interview, the applicant may submit a second N-648. The second N-648 is evaluated. If the second N-648 is not sufficient, the N-648 is denied and the applicant has the option of taking the citizenship test. If he/she fails the test or declines to take it, the citizenship application is denied.
- The applicant may appeal a denied N-400 within 30 days by filing Form N-336 for a fee of $605. A third N-648 may be submitted with the appeal, or brought to the appeal interview.

References

It is important to read and become familiar with USCIS' policy guidance on disability waivers so you can be a good advocate for your client. Disability waiver cases are complex, and USCIS adjudicators do not always follow the guidance.

USCIS policy guidance on disability waivers, 5/10/06
http://www.uscis.gov/files/pressrelease/AdjN648051006PUB.pdf

USCIS policy guidance on disability waivers, 9/18/07
http://www.uscis.gov/files/pressrelease/N648Waiver091807.pdf

Highlights of the May 2006 Policy Guidance

The purpose of this guidance is to address concerns about fraud and misrepresentation in the N-648 program. This guidance supersedes the previous guidance issued in April 1999. Highlights are listed below.

- Diagnoses of mental impairments by general practitioners are acceptable if they have "appropriate experience and qualifications."
- The USCIS officer's role is to determine if the applicant meets the requirements for a disability waiver.
- The diagnosis "will be presumed valid in the absence of significant discrepancies or credible doubt."
- If there are discrepancies or doubt, the officer may refer the applicant to another medical specialist for another N-648. An addendum lists the telephone number for each state medical board, to give to the applicant for help in finding a specialist. The addendum also includes a list of mental impairments and the types of specialists who treat each one.
- Officers are directed to use Form N-14 (instead of Form N-648B) to explain any deficiencies in the N-648.
- The medical professional must explain how the disability was diagnosed and list what tests were used (NEW REQUIREMENT).
- If the explanation is not sufficient, the officer can request a copy of the applicant's medical records to verify tests were performed.
- Depression, PTSD, and diseases related to old age (i.e. dementia) should be treated like any other disease or disability and evaluated based on the same standard.

Highlights of the September 2007 Policy Guidance

The purpose of the guidance is to address inquiries USCIS headquarters received about disability waiver adjudications after the publication of the May 2006 guidance, and provide further clarification of disability waiver policy. Several highlights of the new guidance are listed below.

- The new guidance reiterates that the role of the adjudicator is to determine whether the Form N-648 contains sufficient information to establish that the applicant is eligible for a waiver, and states that the adjudicator should not engage in medical determination practices (p. 5-6).
- The adjudicator should assume that the medical professional's diagnosis is valid in the absence of credible doubt, and the revisions to the field manual provide details on the circumstances that may result in credible doubt (p. 6).
- The guidance states that applicants should submit the N-648 with the N-400. Submitting the N-648 later in the naturalization process or submitting multiple N-648s may raise credible doubts or justify additional scrutiny (p. 4).
- The guidance states that having a number of N-648s completed by a particular medical professional is not, by itself, an indication of fraud, given that many immigrants seek medical care from a professional who shares their language or ethnicity (p. 3).
- If the adjudicator has credible doubts about the veracity of a medical determination, he/she may request the applicant's medical records and require a supplemental N-648 from another medical professional (p. 9).
- If he/she has doubts about a medical determination, the adjudicator is permitted to question the applicant about his/her medical care, job duties, and other daily living activities to determine if the applicant's functional capacity is consistent with the diagnosis described in the N-648 (p. 7).
- The adjudicator should consider any authoritative federal agency report in the applicant's file that addresses the applicant's medical condition, such as a Social Security Administration disability determination that validates the diagnosis provided in the N-648 (p. 8).
- Use of the N-648B (Notice of Incomplete N-648) is discontinued, and adjudicators are directed to use Form N-14 instead (p. 9).
- Adjudicators should refer cases of suspected fraud to the Office of Fraud Detection and National Security (FDNS). If FDNS is unable to provide a final response within 120 days, the adjudicator should proceed with the adjudication of the application (p. 11).
- Denials based on credible doubts or deficiencies must contain an explanation of those doubts or deficiencies, and why they outweigh any favorable medical evidence (p. 10).
- Each USCIS district or field office should have a point of contact for the N-648 program who is responsible for overseeing N-648 training and quality assurance in that office, and for conducting liaison with community-based organizations, medical associations, and medical professionals (p. 4).

V. Oath Waivers for Severely Disabled Applicants

Juan, age 23, came to the U.S. with his parents 15 years ago. He was born with severe developmental disabilities, and requires 24-hour care. He has very limited speech, movement, and mental capacity. His parents want him to become a U.S. citizen.

Some applicants are so severely disabled that they are unable to express their desire to be a U.S. citizen and give their assent to the oath of allegiance, even with reasonable accommodations. These applicants may apply for an oath waiver. Some examples of conditions that may require an oath waiver are: coma, advanced Alzheimer's disease, and profound mental retardation.

The Oath Requirement

Immigration law requires that a citizenship applicant be "attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States" (INA § 316(a)(3)). This is demonstrated, in part, through the oath of allegiance. USCIS policy guidance further explains that a citizenship applicant must understand that he/she is:

- Becoming a U.S. citizen;
- Giving up allegiance to his/her native country; and
- Personally and voluntarily agreeing to a change in status.

There is an exception for certain applicants who are unable to understand or communicate an understanding of the oath because of a physical or developmental disability or mental impairment. Congress passed a law on November 6, 2000 allowing these severely disabled applicants to obtain an oath waiver. This law became effective immediately, and states:

"The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment" (INA § 337 (a)).

Note: The oath waiver does *not* waive any of the other requirements for naturalization. The applicant will still need to have good moral character, for example. If the applicant cannot learn the information for the citizenship test (as in most oath waiver cases), he/she will need to apply for a disability waiver as well.

Applying for an Oath Waiver

The request for an oath waiver can be made at any time in the naturalization process. Normally, it is made when the N-400 is filed, by completing Part 3, Section I in the N-400 or by attaching a letter to the N-400. The oath waiver request must include a written evaluation completed by a licensed medical or osteopathic doctor or a licensed clinical psychologist. If the applicant has more than one doctor, the evaluation should be completed by the doctor who has had the longest relationship with the applicant or who is most familiar with the applicant's medical history. The evaluation must:

- explain the applicant's condition or disability;
- describe how and why the disability makes the applicant unable to understand or communicate an understanding of the oath;

- explain the likelihood of the applicant being able to understand or communicate an understanding of the oath in the near future; and
- include the doctor's signature and state license number.

Having a Designated Representative

In most cases, an oath waiver applicant will be unable to respond, in any way, to the USCIS officer's questions about the N-400 and therefore will need a designated representative to act and testify on his or her behalf. The designated representative must be either:

- a legal guardian or surrogate appointed by a court or state agency; or
- a *U.S. citizen* spouse, parent, adult son or daughter, or adult brother or sister.

The legal guardian or surrogate must submit official documentation of his or her guardianship or custody from the appropriate state authority or court. The family member acting as a designated representative must submit evidence of his or her U.S. citizenship and relationship to the applicant. A son, daughter, brother, or sister must also submit evidence that he or she has primary custodial responsibility for the applicant.

If the designated representative fills out the N-400 for the applicant, he or she is required to sign the preparer's box in Part 12 and, if the applicant is unable to sign, the signature box in Part 11.

Q. ***What if my oath waiver client has no legal guardian, and none of his immediate family members are U.S. citizens?***

A. One of the family members will need to obtain legal guardianship status so he/she can be the applicant's designated representative. For assistance with legal guardianship status, consult with an attorney specializing in family law. Community legal aid clinics and law school clinics may be able to provide free or low-cost assistance.

Q. ***In the absence of any other qualifying representative, can an adult stepchild not adopted by the applicant, but familiar with the applicant, qualify as a designated representative?***

A. The policy guidance states that the adult son or daughter must be: 1) a U.S. citizen; and 2) the primary caretaker with primary custodial responsibility for the applicant. It also states that the son or daughter must establish that he or she met the INA definition of "child" at some time (see INA § 101(b)(1)). That definition includes a stepchild "whether or not born out of wedlock, provided the child had not reached the age of 18 years at the time the marriage creating the status of stepchild occurred."

Demonstrating an Understanding of the Oath with Reasonable Accommodations

Most disabled applicants will *not* need to apply for an oath waiver. They will be able to show, during the naturalization interview, that they understand they are becoming a United States citizen and swearing allegiance to the United States. Depending on the type of disability, an applicant may not understand the standard language of the oath. If necessary, the applicant's understanding of the oath can be communicated in the simplest form as a *reasonable accommodation* for his/her disability. For example, the applicant can be asked questions such as:

- Do you want to stay in the United States?
- Do you want to be a citizen like other people born in this country?
- Would you do anything to hurt America?

The USCIS officer and legal representative should agree on an appropriate modification of the oath-related questions for the disabled applicant during the naturalization interview. As an accommodation for a non-verbal applicant, the officer must accept a physical response to oath-related questions, such as blinking, nodding, or tapping. Also as an accommodation, a family member, legal guardian, or advocate can be allowed to repeat the officer's questions directly to the applicant to facilitate a response. Applicants who are unable to leave their home because of a severe disability may ask USCIS to give the oath at their place of residence. This is another form of an accommodation.

In some cases, the oath may be given immediately following the interview as an accommodation. In other cases, the disabled applicant will attend a regular oath ceremony with other applicants. Each situation is handled on a case-by-case basis, depending on the needs of the disabled applicant. See chapter three for more information about reasonable accommodations.

References

USCIS policy guidance on oath waivers, 6/30/03
http://www.uscis.gov/files/pressrelease/PolMem96Pub.pdf

USCIS memorandum on the role of legal guardians or proxies in naturalization proceedings, 3/13/02
http://www.cliniclegal.org/Refugee/Docs/GeneralCounselMemo.pdf

VI. Fee Waivers for Low-Income Applicants

Sonia is a refugee and single mother of three children who often struggles to make ends meet. Her income from her full-time job barely covers her expenses, so she hasn't been able to save any money. She receives food stamps and childcare assistance from the government. She wants to apply for citizenship, but is concerned about how she will pay the application fee.

Applicants who are low-income and unable to pay the application fee for the N-400 may apply for a fee waiver. To qualify, they must be able to substantiate that they are unable to pay the fee. Fee waivers are discretionary and are granted on a case-by-case basis. Fee waivers are discussed in 8 C.F.R. § 103.7 (c).

Fee Waiver Application Procedures

The applicant is required to submit an affidavit or unsworn declaration explaining why he/she is unable to pay the fee.

Situations and Criteria that USCIS Will Consider

According to USCIS policy guidance, the agency will consider the following situations and criteria in determining whether an applicant is unable to pay the fee:

- Whether the applicant qualified for or received a federal means-tested benefit within the last 180 days. This includes food stamps, Medicaid, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and other benefits.
- Whether the applicant's annual household income on which taxes were paid for the most recent tax year is at or below the poverty level found in the Health and Human Services (HHS) poverty guidelines, available at: **http://aspe.os.dhhs.gov/poverty/08poverty.shtml**.
- Whether the applicant is elderly (age 65 or older) at the time of filing.
- Whether the applicant has been determined to be disabled by another federal agency, such as the Social Security Administration, HHS, Department of Defense, or Veteran's Administration.
- Whether the applicant has dependents in his/her household who are seeking benefits or derivative status concurrently with the applicant.
- Whether the applicant is in a special situation that requires humanitarian or compassionate consideration.

Note: There is no situation or criterion that *automatically* qualifies the applicant for a fee waiver. Each application is decided on a case-by-case basis, based on the evidence provided.

Overall Financial Picture and Household Situation

In addition to the situations and criteria listed above, USCIS looks at each applicant's overall financial picture and household situation. For this reason, the applicant should submit a budget that shows his/her income, assets, and expenses. In addition, it may be helpful for the applicant to provide information about his/her household members and their income.

Q. ***For household income, how does USCIS define a household?***

A. USCIS follows the Census Bureau guidelines, which define a household as all persons who occupy a housing unit, whether they are related or not.

Documentation

The applicant should submit as much documentation as possible to support the fee waiver application. Supporting documentation should be presented in the order that it is mentioned in the application, and labeled as "Attachment A, Attachment B," etc.

Examples of Documentation

- Proof of having qualified for or received a federal means-tested benefit
- Recent pay statements
- W-2 forms
- Statement from employer on business stationery showing salary or wages paid
- Income tax returns
- Mortgage payment receipts
- Rent receipts
- Food and clothing receipts
- Utility bills (gas, electricity, telephone, water)
- Child care receipts
- Tuition bills
- Transportation expense receipts
- Medical expense receipts
- Documentation of debts (loans, credit cards, etc.)

Fee Waiver Application Form

USCIS does not provide a fee waiver application form. A form created by CLINIC is available at **http://www.cliniclegal.org/Refugee/Docs/FeeWaiverForm_Instructions.doc**.

The purpose of the CLINIC form is to help service providers organize and present all the required information for a fee waiver. Local agencies can use the form as given or adapt it based on their experience with their local USCIS office.

Note: Because USCIS fee waiver policy is discretionary, there is considerable variation among different offices in terms of the amount and type of evidence required for a fee waiver. Based on their experience, local agencies may wish to eliminate information in the CLINIC form that is not typically required by their USCIS office.

Q. ***How should I package the fee waiver application?***

A. Attach it to the top of the N-400 before mailing. Write on the mailing envelope and at the top of the N-400 in red letters, "FEE WAIVER REQUESTED."

Q. ***Do I need to include the biometrics fee, or will that be waived as well?***

A. Do not include the biometrics fee. If the N-400 application fee is waived, then USCIS will waive the biometrics fee as well.

Note: Applicants age 75 or older are not required to be fingerprinted, so they do not need to pay the biometrics fee when applying for citizenship.

Q. ***Should the application be notarized?***

A. It is not necessary to have the application notarized, but notarization always adds to credibility.

Q. ***Who makes decisions on fee waiver applications?***

A. Fee waiver requests are adjudicated by USCIS officers in the office where a benefit application is filed. For citizenship applications (N-400s), this means at one of the four USCIS Service Centers.

Q. ***How will I know if the fee waiver is approved or denied?***

A. If the fee waiver is approved, the applicant receives a receipt in the mail for the N-400 application. If the fee waiver is denied, the entire N-400 application package is returned to the applicant along with a letter explaining the reason for the denial.

Q. ***What if a fee waiver request is denied? Can I appeal?***

A. There is no appeal process for denied fee waivers. However, the applicant will receive a letter explaining the reasons for the denial, and can re-apply with additional information and evidence.

Q. ***Will a fee waiver delay the citizenship application?***

A. USCIS offices are required to adjudicate fee waiver requests in a timely fashion. Regardless of how long it takes to adjudicate a fee waiver request, applications are processed from the date they are received in the mail, and this is the date given on the receipt.

References

USCIS policy guidance on fee waivers, 3/4/04
http://www.uscis.gov/files/pressrelease/FeeWaiverGd3404.pdf

USCIS policy guidance on fee waivers, 7/20/07
http://www.uscis.gov/files/pressrelease/FeeWaiver072007.pdf

VII. Expedited Processing for Elderly or Disabled Refugees Losing Supplemental Security Income (SSI)

Ludmilla is an elderly refugee who came to the U.S. in 2000. She applied for citizenship in early 2006, but was delayed by the FBI security check backlog. As a result, she was unable to complete the naturalization process before reaching the seven-year limit on SSI benefits, and lost her SSI in 2007. Her application is still pending.

The national average processing time for citizenship applications is currently about seven months for those who applied before June 1, 2007 and 16-18 months for those who applied after June 1, 2007. Local office times vary, and may be shorter or longer depending on application volume, staffing resources, and management practices. Elderly or disabled refugees and asylees who will soon lose, or have already lost, their SSI benefits due to the seven-year limit imposed by welfare reform may request expedited processing of their naturalization application.

Criteria for Expedited Processing

Loss of SSI is one of several criteria USCIS will consider for expedite requests. The full list of criteria can be found on the USCIS website at **http://www.uscis.gov**. Click on "My case is pending" at the top right side of the page and then select "USCIS Expedite Criteria."

Note: The USCIS expedite criteria are for all kinds of applications, not only the N-400.

How to Request Expedited Processing

To make an expedite request, the applicant or representative should call the National Customer Service Center (NCSC) at 1-800-375-5283. For SSI cases *only* (NOT for cases falling under other expedite criteria), the customer service agent will take down the applicant's information and forward the expedite request on his/her behalf to the appropriate USCIS office. If this does not happen, ask to speak to a "Tier 2" customer service agent or a supervisor.

Q. ***My client meets several of the expedite criteria, in addition to being a refugee who is losing SSI benefits. Should I mention the other criteria when I call?***

A. There are special procedures in place for refugees/asylees losing SSI, so it is very important to identify the applicant under this criterion *first*. Mentioning the other criteria could help speed the case, but could also create confusion. If you choose to mention the other criteria, make sure the customer service agent follows the procedures described above.

Q. ***My client is delayed by the FBI security check. Will USCIS expedite the security check?***

A. Yes. For refugees and asylees losing SSI, USCIS will expedite the FBI security check. USCIS issued a memorandum on 2/20/07 giving the criteria for expediting the FBI name check, available at **http://www.uscis.gov/files/pressrelease/ExpediteNameChk022007.pdf**. One of the criteria listed is "loss of social security benefits or other subsistence."

Kaplan v. Chertoff

As this guide goes to print, a class action lawsuit filed on behalf of refugee and asylee SSI recipients against the U.S. government is being settled. The lawsuit is called *Kaplan, et al. v. Chertoff, et al*. The settlement agreement will explain in detail how USCIS will expedite the applications of class members. After the lawsuit is settled, the expedite procedures will be posted with the settlement information on the USCIS website.

Summary of Links, References, and Resources

Introduction

Current list of sample sentences for English reading and writing test
http://www.uscis.gov

New vocabulary list for English reading test
http://www.uscis.gov/files/nativedocuments/reading_vocab.pdf

New vocabulary list for English writing test
http://www.uscis.gov/files/nativedocuments/writing_vocab.pdf

Current list of 96 history/civics study questions
http://www.uscis.gov/files/article/Flashcard_questions.pdf

New list of 100 history/civics study questions
http://www.uscis.gov/files/nativedocuments/100q.pdf

I. Automatic English Exemptions for Older Applicants

List of 25 easier history/civics questions for special consideration applicants
http://www.uscis.gov/files/article/6520q.pdf

II. Due Consideration for Applicants with Limited English, Lack of Formal Education, Advanced Age, or Other Factors

Sample letter requesting due consideration
http://www.cliniclegal.org/Refugee/Docs/due_consideration_request.doc

USCIS policy guidance on testing, 12/26/00
http://www.cliniclegal.org/Refugee/Docs/USCISpolicyguidanceontesting.pdf

III. Reasonable Accommodations for All Disabled Applicants

Sample letter requesting reasonable accommodations
http://www.cliniclegal.org/Refugee/Docs/accommodations_request.doc

USCIS instructions for requesting reasonable accommodations
https://egov.uscis.gov/crisgwi/go?action=offices.accommodations

Websites of local USCIS field offices
http://www.uscis.gov

Sample § 504 complaint form
http://www.cliniclegal.org/Refugee/Docs/SECTION504COMPLAINT.doc

DHS Office for Civil Rights and Civil Liberties website
http://www.dhs.gov/xabout/structure/editorial_0373.shtm

USCIS policy guidance on reasonable accommodations, 1/21/03
http://www.uscis.gov/files/pressrelease/NatzAccess.pdf

USCIS policy guidance on fingerprint waivers, 11/15/99
http://www.cliniclegal.org/Refugee/Docs/USCISpolicyguidanceonfingerprintwaivers.pdf

IV. Disability Waivers for Applicants with Certain Serious Disabilities

Form N-648
http://www.uscis.gov

Sample letters to a client's doctor
http://www.cliniclegal.org/Refugee/Docs/N648HelpfulHints.pdf
http://www.cliniclegal.org/Refugee/Docs/IRC_Sample_N648_letter.doc

Sample responses to question three
http://www.cliniclegal.org/Refugee/Docs/AsianLawCaucusGuidelinesforN-648s.pdf

Learning Disabilities Association of America
http://www.ldaamerica.org/.

USCIS policy guidance on disability waivers, 5/10/06
http://www.uscis.gov/files/pressrelease/AdjN648051006PUB.pdf

USCIS policy guidance on disability waivers, 9/18/07
http://www.uscis.gov/files/pressrelease/N648Waiver091807.pdf

V. Oath Waivers for Severely Disabled Applicants

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USCIS memorandum on the role of legal guardians or proxies in naturalization proceedings, 3/13/02
http://www.cliniclegal.org/Refugee/Docs/GeneralCounselMemo.pdf

VI. Fee Waivers for Low-Income Applicants

HHS poverty guidelines
http://aspe.os.dhhs.gov/poverty/08poverty.shtml

CLINIC fee waiver application form
http://www.cliniclegal.org/Refugee/Docs/FeeWaiverForm_Instructions.doc

USCIS policy guidance on fee waivers, 3/4/04
http://www.uscis.gov/files/pressrelease/FeeWaiverGd3404.pdf

USCIS policy guidance on fee waivers, 7/20/07
http://www.uscis.gov/files/pressrelease/FeeWaiver072007.pdf

VII. Expedited Processing for Elderly or Disabled Refugees Losing SSI

USCIS criteria for expedited processing
http://www.uscis.gov

USCIS memorandum on criteria for expediting the FBI name check, 2/20/07
http://www.uscis.gov/files/pressrelease/ExpediteNameChk022007.pdf

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